

Chapter III

Species of Entitlement

3.1 Preliminaries: Self-Generated vs. Other-Granted Entitlements

In order carry out our two step naturalization of human norm-mongering,, we need to tell a story about how commitments and entitlements are naturalistically generated and to show that we need appeal to no notions that are themselves irreducibly normative in order to chart and explain the many species of entitlements that human beings generate. For on our view, entitlements are things *granted* or *issued* by status-conferring beings, through the merely natural exercise of their merely natural powers. That is, both the granting of entitlements and the undertaking of commitments are entirely natural *doings* of the merely natural human animal. And though we do indeed constitute a distinctive normative order through complex interactions among such doings, it is crucial to see that at the very foundation of that order sits nothing but our merely natural human capacities to issue entitlements and undertake commitments.

Now the main focus of the current chapter will be on the distinction between what I call *self-granted* entitlements, on the one hand, and what I call *other-granted* other granted entitlements, on the other. To a first approximation, to self-generate

an entitlement is to issue an entitlement to oneself to Φ on, as it were, one's own "authority." By contrast, when one has an other-granted entitlement to Φ , that entitlement is bestowed upon one by another. Now on the story I shall tell, there are no obvious antecedent limits on either self-granted or other-granted entitlements. Nothing in the bare intrinsic nature of entitlement as such prohibits me, for example, from bestowing upon myself a self-generated entitlement to take what you regard as yours. But at the same time, nothing about the intrinsic nature of entitlement requires that you "ratify" my self-generated entitlement to take what you regard as yours. More generally, x 's self-generated entitlement to Φ may be either ratified or rejected by y . When x 's self-generated entitlements to Φ is *ratified* by y , we may say that to that extent x and y agree with respect to x 's claimed entitlement to Φ . Now I shall argue that such agreements (and disagreements) are best understood as agreements (or disagreements) in attitude (a la Stevenson()), rather than disagreements over facts. And I shall argue that agreements in attitude are at the basis of all normative community among status-conferring rational beings, while disagreements in attitude are the basis of what I call rational enmity.

The fact that agreements and disagreements with respect entitlements – whether those entitlements be self-generated or other-granted -- are not factual, but merely attitudinal has far reaching consequences for the nature of normative disputes and normative discourse. For example, I shall argue that even when a self-generated entitlement is resisted rather than ratified by the rational other, it does not follow that its standing as an entitlement is necessarily thereby undercut. It

may still stand as an entitlement, even if only as an entitlement of a self-generated kind, not ratified by the rational other. Now I grant that it may seem counterintuitive to some to think of a merely self-generated entitlement as ipso facto a bona fide or “legitimate” entitlement. But I shall argue that if we are understand both the possibility of rational or normative community and the correlative possibility of deep rational or normative enmity we must accord even self-granted entitlements that are not ratified by the rational other the status of bona fide entitlements.

In this vein, it is important to stress that our task, as Martian Philosophical Anthropologists, is not to normatively evaluate what human beings are doing when they issue entitlements and undertaking commitments. We are not in the business of choosing among the entitlements issued by our norm-mongering subjects. We do not occupy the role of a normative judge who concludes that some issued entitlements are to be ratified while others are to be rejected. Our task is, rather, to describe and explain, to chart both the variety of entitlements issued by humans and to the complex dialectic of ratification and resistance to which the issuing of entitlements gives rise. In so doing, we seek to lay bare both the conditions that enable the achievement of rational community among our status-conferring subjects and the conditions that may lead to rational enmity among them, in which entitlements claimed one are resisted by the other.

3.2 My Authority, Your Authority, Our Authority

Let us begin by briefly recapping where we are in the overall argument. In the previous chapter, I argued that only an agent's own status-conferring attitude of culminated competent reflective endorsement suffices to "bind" the agent to relevant norms. Through such endorsements, an agent self-confers normative status and thereby decisively undertakes to govern her cognition and conation in accordance with the status thus conferred. Moreover, I argued that self-conferral of a normative status is all there is to being bound - really and truly bound - by a norm. Self-conferral of a normative status is an act of normative self-configuration. In normatively configuring the self via the self-conferral of a normative status, an agent undertakes to self-represent and self-narrate her life in a particular way. She thereby undertakes to make or keep her self-narration and self-representations true. To do so, she must manage her cognition and conation in ways "called for" by the norms in accordance with which she has undertaken to narrate and represent her unfolding life.

One might put my view as follows. An agent is "bound" to a norm only if she subjects herself to it on what might be called her own normative authority. But by "through her own normative authority" I do not mean anything other than "through the exercise of her own psychic powers of normative self-configuration and rational self-management." Now as I stressed toward the end of the previous chapter, however there are many ways to be "subject to a norm" other than by being bound by it, in my privileged theoretical sense. I have already said, for example, that one may be *tacitly bound* to a norm, even if one has not exercised one's powers of rational self-management to explicitly bind oneself to that norm. Moreover, I fully

acknowledge that others may, either with one's endorsement or without one's endorsement, self-generate entitlements to hold one to various norms. One is thereby subject to the relevant norm, but on the authority of another, rather than on one's own authority. Though another may, in this way, subject you to a norm, she does not thereby bind you to that norm. Finally, one may simply be "thrown into" an already in place normative community in which a norm is causally operative. When one is thrown in this way into an already configured normative community, those who hew to the relevant norm may seek to configure you, from the ground up, before the first dawning of critical self-reflection and rational self-management, in accordance with that norm. Though being thrown into community in which a norm is causally and psychologically operative in this way is yet another way of being "subject" to a norm, it is not in my privileged sense a way of being "bound" by that norm.

The full significance of reserving the word 'binding' for a special and distinctive relationship that a cognizing agent may have to the norm will become clearer in due course. But I will say upfront that we must be careful from the beginning not to overestimate either what the self-conferral of a normative status through culminated competent reflection either requires or achieves. In particular, such self-conferral of status neither requires nor achieves self-constitution ex nihilo. Self-constitution ex nihilo would require a kind of radical autonomy that seems unavailable to creatures such as ourselves. The fact that factors not of the agent's own radically autonomous choosing may play an ineliminable role in determining the agent would be troubling if our project required that we vouchsafe the existence

of something like a Kantian transcendental ego, an entirely self-constituting noumenal self, totally free from influence of merely natural causality. But we have no such ambition. Indeed, we suspect that nothing about the nature and dynamics of human norm-mongering presupposes the existence of a transcendental self capable of such radical autonomy in the first place. We take the subject, together with her powers of rational self-management and normative self-configuration to be fully part of the flotsam and jetsam of mere nature. Whatever determines the agent must itself be part of mere nature. So to the extent that reason determines the will, then reason itself must ultimately be part of mere nature. But we shall have occasion to return to this point below.

So far I have mostly discussed normative status self-conferred upon the self, and also, to a lesser extent, the statuses we confer, either individually or collectively, upon the rational other. But it is important to stress, at least in passing, that human beings collectively have conferred normative status profusely on nearly all things of the planet earth. Take any arbitrary strip of land somewhere on planet earth. It, together with all life and resources that it contains, are likely to be regarded as the property of some entity or other, to fall within the jurisdiction of some government or other, to be subject to laws, conventions and treaties of one sort or another. Even those stretches of land that do not have the status of being *property* may still enjoy one or another normative status. Think of land the use of which is in some ways protected or restricted. Through our bare power to confer normative status and to self-generate entitlements that accord with the statuses we

confer, we have entitled ourselves to exploit every resource that the earth may provide.

Our attempts to confer normative status on brute configurations of naked nature meet with no “resistance,” at least not from those very configurations. That is because there is nothing in naked nature that may answer or fail to answer to the normative statuses we throw upon its brute configurations. As Nietzsche long ago observed, nature in herself is normatively mute. She altogether lacks the power to ratify or resist the normative statuses we confer upon her. So in conferring a status upon a brute and normatively mute configuration of nature, there is no right and wrong of the matter. Brute nature neither ratifies nor resists the statuses we confer upon it. To be sure, some systems of conferred statuses will better suit our purposes and better support our practical projects than other systems of conferred status. But the choice among alternative possible systems of conferred normative statuses is entirely a matter of the consequences of that choice for our own being in the world. It is not a matter of best “fit” with what is already there in nature. It is precisely this fact which I mean to mark by my talk of “pliant configurations of normatively mute nature.”

Matters are more complex, however, when it comes to normative statuses conferred upon the rational other. Though the rational is herself an entirely natural being, somehow constituted out of mere nature, she is not just one more pliant configuration of normatively mute nature. For unlike other configurations of nature, the rational other has the power to either ratify or resist the normative

statuses that others may attempt to throw upon her. Now I will have a great deal more to say about the dynamics of ratification and resistance in the course of this chapter. Much of human life, I shall argue, is lived as a contest over normative status.

And though my talk of naturalizing our power of rational self-management may tempt one to think that human beings are fully self-determining creatures, I hope it is clear that I do not mean to underestimate the extent to which others attempt to determine us. I have already denied the existence of radical autonomy. And I have acknowledged, for example, that before the first dawning of a human agent's reflective self-awareness, her still developing normative lights will be assaulted from without by the relentlessly droning other -- almost as if she were just another compliant configuration of normatively mute nature. Nonetheless, it is remains important to see that however limited our ultimate powers of normative self-determination, we still must distinguish the rational self from all other merely compliant configurations of normatively mute nature. And one key to appreciating this distinction is to recognize that an identity that has been merely thrown upon a still developing, but not yet fully self-configuring agent, is to some extent liable to eventually being thrown off as not fully her own. For an identity that is merely thrown upon a potentially self-configuring agent, that is in no way the product of the exercise of her own powers of self-construal and rational self-governance, may be said to lack the backing of what we may call her own normative authority. Only if an agent takes ownership, through her own status-conferring powers of an identity

that has been throw upon her by the droning other, does that identity count as fully an identity of her own.

Now since I maintain that even the developing human being is never just another compliant configuration of normatively mute nature, it is fair to wonder whether an identity could be furnished *entirely* without in some way implicating the agents own powers of self-configuration. If it were possible to fully, determinately and finally configure an agent without ever involving her powers of self-configurations and self-management, then it is hard to see what would distinguish the rational self from every other pliant configuration of mute nature. But again the key is to see that identities made without the cooperation of the rational self, are liable to be unmade once the rational self is fully mature. At the same time, identities seem unlikely to be indefinitely plastic. So it is also fair to wonder whether and to what extent identities, once configured, either with or without the cooperation of the rational self, may be reconfigured. It is doubtful that an identity can be as easily reconfigured as one's clothing. These are deep questions that can only be answered by a deep probe into the real world limits of the power of rational self-management. Fortunately, we do not need to address such questions in detail at this stage of our inquiry. For the nonce, we can be content with the claim that nothing about human norm mongering requires that humans need be fully self-configuring. It is enough for our purposes if some configurations of the self are more or less the product of the self-driven exercise of the agent's own inner powers of self-narration, self-representation and self-configuration. The more such powers

are implicated in a configuration of the self, the more that configuration is backed by what we may call her own inner normative authority.

By now, it hardly needs adding, I hope, that our talk of normative “authority” is not intended to have any normative significance for us, from our detached third-person perspective. For us, talk of an agent’s inner normative authority functions merely as a short hand way of talking about her powers of self-narration, self-representations, and self-configuration. We find such powers to be characteristic, to some extent yet to be determined, of fully mature, fully in tact human beings. From our detached standpoint, as Martian Philosophical Anthropologists, we take note of such powers, but we ourselves confer no normative status upon exercises of such powers. We note that it is often the case that when, and if such powers come to full fruition, they may exercised in acts of self-constitution in which the agent herself represents the throwing off of identities antecedently thrown upon her through conditioning or coercion, as the throwing off of an identity not truly or legitimately her own. But as good Martian Philosophical Anthropologists, who seek only to understand what human beings are doing when they individually and collectively constitute themselves through their powers of self-configuration, we are prepared to find that the dynamics of identity formation among human beings may be complex indeed. In particular, we are prepared to find that those dynamics vary across the many localities of human reason. We make no claims of our own about how the formation of identity *ought* to go. Our claims about inner normative authority are intended to characterize one sort of relation that a human being may have to herself. Not all human beings everywhere

do stand in that relation to themselves. And we make no claim that human beings everywhere ought to stand in that relation to themselves.

The take away lesson for the nonce is that although human beings are fully natural creatures, they are distinguished from mere compliant configurations of normatively mute nature by a certain fully natural relation they (potentially) bear to themselves. That is the relation that one stands in to oneself when one is capable of self-narration and normative self-configuration. We shall see that this merely natural capacity for self-ownership, self-narration and self-configuration lies at the very foundation of the dialectic of ratification and resistance. Moreover, we shall see that is within, and only within this dialectic that questions of normative authority have a home.

Now normative authority in the sense intended here is not something absolute, fixed, and inviolable. It is rather something relative and contestable. In the first instance, an agent's inner normative authority is an authority only over and for herself. When an agent confers a normative status either upon herself or upon another, she speaks, in the first instance, only for herself. To be sure, agents typically try, in various ways, to extend their inner authority by having that authority "taken up" by another as an authority over and for the other as well. If you think of "authority" in this way as limited, relative, and potentially extendable, but also contestable through a dialectic of ratification and resistance, you may not succumb to the temptation to look for some ultimate, intrinsically normative ground upon which inner normative authority rests. You will see human normative

authority as rooted in a bare psychological power and in a relation that each person potentially stands to herself as a self-configuring, self-managing being.

Normative status ultimately rests on nothing but normative authority so understood. Things have normative status only in so far as status-conferring creatures take them to have normative status. By taking things to have a status, we thereby make them have normative status. Now some of our status conferrals meet with no resistance from that upon which we would confer a status. But other attempts to confer status do meet with resistance. In particular, when we attempt to confer status upon the rational other, we may often meet with resistance. Resistance from the rational other is what first gives rise to a dialectic of ratification and resistance. The dialectic of ratification and resistance may settle whose authority, if any, shall function as a governing authority in the contest over normative status. The dialectic of ratification and resistance is, however, an all but permanent feature of human life because there is no “trumping” authority to which we might appeal, once and for all, to decisively settle all normative disputes. To say that there is no trumping authority in the dialectic of ratification and resistance is to say, roughly, that there is no external normative standard to which we can appeal to decisively settle which of our conferred status are, objectively speaking, rightly or wrongly conferred.ⁱ

Let us take a closer look at the dialectic of ratification and resistance. We begin with the observation that despite the fact that nothing but one’s own authority can suffice to *bind* one to a norm another may be in various ways *entitled*

to *hold* one to a norm -- even to a norm by which one is not bound. We must distinguish, that is, the one authority that binds from the many authorities that *entitle*. But what is an entitlement such that another may be entitled to hold one to norms to which one is not bound? It is to that question that we now turn.

Issuing an entitlement as analogous to giving out of a ticket to the theater or to a ballgame. If I issue you a ticket to my theater, I thereby confer normative status upon both you and myself. In virtue of my giving you the ticket, you are “licensed” to enter my theater upon presentation of the ticket. Correlatively, I am “committed” to allowing you to enter the theater upon presentation of the issued ticket. More generally, to issue an entitlement or to undertake a commitment is to adopt a practical orientation, grounded in a network of status-conferring attitudes, toward oneself and another. To undertake a commitment is to resolve to act or reason in certain ways and thereby to hold oneself answerable for failing to act or reason in the relevant ways. Undertaking a commitment is different from merely *intending* to act or reason. In the mere intending to act or reason, there is as yet no holding oneself answerable for failure so to act or so to reason.

Holding oneself answerable involves further status-conferring attitudes -- attitudes above and beyond the mere intending to act in the relevant way. In holding oneself answerable for an intention to act, one issues an entitlement to either another or perhaps only to one’s future self. That entitlement functions analogously to the theater ticket mentioned above as a kind of license to criticize, sanction, or object in the case of a failure to carry through on the relevant

intentions. In issuing an entitlement, one transfers a bit of one's own normative authority to the other. One thereby authorizes the other to hold one to the intention to act or reason in the relevant way.

I will not attempt at this stage of our inquiry to offer a precise analysis of the issuing of entitlements. But let me try to say enough to convince the reader that authorizing another in the sense here intended is neither metaphysically or psychologically mysterious. In authorizing another to hold one to an intention one will have an interlocking network of further intentions sufficient to support a practical orientation toward the other. One not only resolves to do a certain thing, but one resolves, and makes it manifest that one resolves, to be responsive to demands, claims, and criticisms emanating from the other with respect to one's doing of that very thing. Issuing an entitlement thus involves a kind of communicative and expressive act. One need not, however, utter any words to perform such acts. Upon hearing a knock on the door, one opens the door, and step asides, thereby issuing to the other an entitlement to enter one's apartment by making manifest one's willingness to have the other enter.

Entitlements and commitments are often intertwined. When one undertakes a commitment, one typically grants a correlative entitlement that gives some, but not others a license to hold one to the relevant commitment. Entitlements and commitments are typically *directed* rather than *blanket*. By a blanket entitlement with respect to an agent x , I mean an entitlement enjoyed by any rational being y , with respect to x , independently of x 's relation and attitudes

toward y . One might think of blanket entitlements as entitlements that one has solely in virtue of being one rational being among others. Similarly, we might think of a blanket commitment on the part of x as a commitment c such that any rational being y is entitled to hold x to c , independently of the relationship between y and x . Whether there really are blanket entitlements and commitments, that come with the very turf of being one rational being among others and how, if at all, we might explain the existence of such commitments in naturalistic terms, are questions to which we shall return in due course.

Directed entitlements, by contrast, are entitlements issued to assignable others. If I issue *you* a non-transferrable ticket to my theater, that non-transferrable entitlement endows you and no one else with the normative status of having an entitlement to enter my theater upon presentation of your ticket. IN issuing that entitlement I undertake a commitment to allowing you to do just that. Now when a undertakes a commitment to b and thereby issues a directed entitlement to b , then if a fails to honor the commitment, b and b alone will have some sort of claim, grounded in the issued directed entitlement, against a .

Setting aside putatively blanket entitlements, for the moment, I have so far written as if all (directed) entitlements involve an explicit transfer of normative authority from an agent who undertakes a commitment to one or more other agents who are thereby licensed to hold the entitling agent to the relevant commitment. Certainly, there are such entitlements. Call such an entitlement a *subject-granted entitlement*. But not all entitlements are subject-granted. Some entitlements are

self-generated. x confers upon x a *self-generated entitlement* to hold y to N when x *entitles herself* to hold y to N . When one self-generates an entitlement to hold another to N , one, in effect, endorses N as a norm for the other in such a way as to license oneself to hold the other to N . Entitlements are at least sometimes self-generated rather than subject-granted.

Recall an example we discussed in the previous chapter in connection with the notion of tacit binding. We said, recall, that parents often self-generate entitlements to hold their children to certain norms. To be sure, parents typically self-generate entitlements with respect to their children partly because children are not yet ready for full self-governance. And it might be thought that such self-generated entitlements legitimately stand as entitlement to the extent and only to the extent that these entitlements are generated by the parents on behalf of the child. Perhaps parents may legitimately entitle themselves to govern their children only when they, as it were, project forward and govern the child from, as it were, the vantage point of her own more mature, more self-governing point of view. In that case, parents could be seen as holding the child only to norms that she will come to endorse once she has achieved full self-governance. More minimally, we might think of the parents as self-generating entitlements to govern the child only in accordance with norms that will allow her own capacities for self-governance to gradually emerge, while doing as little as they can to preconfigure the child's self. In either case what would legitimate the parents' self-generated entitlements with respect to the child is the fact that the those self-generated entitlements are in some way sensitive to facts about the child's developing normative lights. As such those

self-generated entitlements would not represent mere impositions . from without of a collection of normative status.

But the felt legitimacy of a self-generated entitlement need not hang on whether it is sensitive in this way to the normative lights of those with respect to whom a self-generated an entitlement is generated. We sometimes self-generate entitlements to hold already fully self-governing agents to norms to which they have not bound themselves --even to norms which they may abhor - and not necessarily on behalf of those self-governing agents. Think of a state that is under siege by a powerful revolutionary force that no longer accords the state any degree of legitimacy. Revolutionaries of this sort no longer *grant*, if they ever did, the state any entitlement to resist and punish their activities. Nonetheless, the state will self-generate, perhaps out of a felt inviolable right of self-defense, an entitlement to resist the revolutionary force with any means at its disposal. It will do so not out of concern for the revolutionaries, but rather out of a concern for its own security and well-being.

The cases just considered may rightly be regarded as special. In the case of the children, one may have the intuition that the special responsibilities parents have or take for their children are the real source of the legitimacy of the relevant self-generated entitlements. In the case of the state, one may feel that states enjoy some inherent right to self-defense against all enemies domestic and foreign and that a state may legitimately self-generate an entitlement to defend itself even against an adversary that rejects its very existence. Though there is something to

the thought that these are both special cases of self-generated entitlements, I do think that each case points to something of more general significance. The general point is that an entitlement-generating agent (or collectivity of agents) sometimes takes its own normative authority to stand as an authority not just for itself but for others as well. The state takes its normative authority even as an authority over those who reject the state. And parents take their authority to extend to their children who, though they are not yet self-governing beings, are on their way to becoming such. Whether there is some deeper justification for either the state or parents in so doing is not yet the point. That question is the kind of question that arises in the context of the dialectic of ratification and resistance among status conferring creatures. We shall have more to say about that dialectic below.

Here the point that bears stressing is that x 's taking x 's authority as an authority for $y \neq x$ does not ipso facto suffice to *bind* y to relevant norms. Agent's are bound through, and only through their own powers of normative self-configuration. Nonetheless, x 's self-generated entitlement with respect to y may still stand as an entitlement -- though only of the self-generated variety -- to hold y to relevant norms. To be sure, when x self-generates an entitlement to hold y to N and thereby confers a normative status upon y merely on her own normative authority, x 's self-generated entitlement to hold y to N need not be *recognized or acknowledged* by y as a legitimate authority over y . Indeed, by way of making explicit her rejection of x 's self-generated entitlement, y may, in turn, self-generate an entitlement of her own -- an entitlement to resist x 's attempts to hold y to N . y thereby refuses to *take up* x 's normative authority as an authority for y and in so

doing refuses to endorse the normative status x has conferred upon y . Similarly, in self-generating an entitlement to hold y to N , x need not acknowledge the authority by which y self-generate an entitlement to resist as a legitimate authority with respect to x . When x rejects the normative authority in y as an authority for x and y rejects the normative authority in x as an authority for y , x and y stand in the situation of what I call *rational enmity*. In the situation of rational enmity, there may exist a discord of reasons and a contest over status. What counts as a reason for one remains unratiified by the rational other as a reason for her.

Now I do not mean to that rational agents everywhere always stand in rational enmity one with another. There has, in fact, never been a time when human beings did not find themselves distributed in normative communities of varying scope and complexity. Plausibly, the ancient alchemy of natural selection wove a capacity to form normative communities into the fabric of our biological and psychological make-up as an adaptive solution to the kind of coordination problems faced by all coalition-forming animals. From the lowly ant to the highest of the apes, all coalition-forming creatures must solve coordination problems. They must somehow determine who is to do and get what and when. From the intricate division of labor present in the lowly ant to the dominance hierarchies of the higher primates, nature has endowed its coalition-forming creatures with a wondrous variety of solutions to such problems. To humankind alone, however, she has given the gift of rational self-management and normative community. The distinctively human adaptive trick, I shall argue, was to solve coordination problems by evolving the capacity to regulate shared cognition and conation by means of

mutually conferred and endorsed normative statuses. In exercising this capacity, our ancient progenitors formed themselves into normative communities encompassing only small circles, drawn around kin, clan or tribe. The rough general trend of post-evolutionary human history, however, has been haltingly toward normative communities of non-monotonically increasing scope -- so much so that we are now able to conceive of something barely dreamt of in many ages of the past, viz., the real possibility of a global moral community. I do not mean to suggest that the particular structures of particular normative communities are directly fixed by the facts of our evolved biological architecture. Though the *capacity* for normativity is built into our biology and into the fundamental architecture of the human mind, the constitution, fragmentation and reconstitution of human normative communities over post-evolutionary historical time is mostly the joint product of culture and psychology and the complex dynamics of human social life. I shall have more to say about such matters in the next chapter, "Of Ants, Apes, and Humans." There I shall try to show that our capacity for normativity, though far more complex than anything found earlier on in the phylogentic hierarchy, nonetheless sits on top of the capacities already resident in lower level creatures that make possible the formation of coalitions among such creatures. Paying attention to the fact our own biologically instilled capacity for normativity is just one way that one form of animal life on the planet earth has evolved to manage the trick of coordinating its cognition and conation both with others of its kind and with the world in which it finds itself embedded should, I will argue, serve to curb many of what we may call the pretensions of human reason.

Let us return to the main narrative of the present chapter. Our brief digression into the evolutionary pre-history of the human capacity for normativity was intended to make the point that humans are, in a sense, “designed” to achieve at least a modicum of rational solidarity or normative community with one another. Agents stand in rational solidarity or normative community one with another when they collectively govern themselves by a system of mutually ratified norms and normative statuses. A norm is *mutually ratified* by a community if: (a) the members of the community *share norms* in the sense that they one and all endorse or would endorse the same norms; (b) the members of that community *mutually recognize* that they share norms; and (c) the members of the community *endorse one another’s endorsing* of the norms that they mutually recognize that they share. Through the achievement of rational solidarity, cognizing agents constitute a community of reasons in which the reasons and rational resources of one may become reasons and rational resources for all, thus extending the reach of the rational powers of each. For example, through the mediation of mutually ratified norms of inquiry and communication which direct the truth to be sought and told, my having reasons for believing a certain proposition may give you a non-derivative reason for believing that proposition as well. Through the mediation of mutually ratified norms of conduct calling for mutual aid and co-operation, my having a reason for pursuing some good may give you a non-derivative reason either to refrain from interfering with my attempts to pursue that good or perhaps even a reason for aiding me in my attempts to achieve that good. Mutually ratified norms are thus the rails along which reasons may be transmitted from cognizing agent to cognizing

agent, which make possible the emergence of complex cooperative rational activity, including shared forms of inquiry, deliberation and argument. Though normative communities, founded on rational solidarity, are among humanity's highest achievements, we should not suppose in advance that an all-encompassing community of reasons, is an a priori, rationally mandatory imperative categorically binding on all rational beings as such. Indeed, I shall argue that such communities are, in fact, so many historically contingent, culturally specific, rationally optional local configurations of human reason.

Let us take a closer look at what I call the dialectic of ratification and resistance among human cognizing agents. The dialectic of ratification and resistance begins with what I call self-recognition and self-valuing. Each fully reflective in tact rational being, recognizes herself as an *original* source of reasons *for herself*. The self-recognition of oneself as an original source of reasons amounts to a kind of self-valuing. In taking oneself to directly generate reasons for oneself, one directly endows oneself with the normative status as an originator of reasons. In due course, I shall have more to say about exactly what goes into regarding oneself as an originator of reasons. For the nonce, I will just say that such self-recognition and self-valuing are architectural consequences of the deep psychological structure of a self-configuring rational will.

The point that bears stressing for our current purposes, however, is that one may recognize that what goes for oneself goes for other rational beings as well. That is, we can and do recognize that the rational other values and esteems herself

in just the ways that we value and esteem our own dear self. To recognize another as a fellow rational being, as a fellow status-conferring, self-configuring creature is to recognize that other as an original and non-derivative source of reasons for herself. In this mere recognition of the other as the *rational* other, we have already elevated the other above the whole of non-rational nature. Non-rational beings, who lack the power of reflection, are nothing at all either to themselves or for themselves. Moreover, they are at best derivative sources of reasons for any rational being. Non-rational beings can indeed be sources of reasons for us, but only in virtue of the rationally optional interests that we happen to take in them. Now we esteem some non-rational beings as mere instruments. Others, we regard as objects of wonder and awe. And to many living members of the non-rational order, we extend a peculiar kind of sympathy or even love. But not even to the most complex of the higher animals do we extend the kind of recognition that we extend to the rational other. For they are not the kinds of beings for which even the possibility of normative community arises. For though we can and do confer a plethora of normative statuses upon such creatures – typically without any cooperation or resistance from them -- they cannot confer status back upon us and can neither ratify nor reject the normative statuses we merely throw upon them.

Though in the bare recognition of the rational other as a fellow norm-mongering, status conferring, originator of reasons, one has already elevated her above all of non-rational nature as a potential partner in normative community, one has not ipso facto achieved such through that bare recognition. For in the bare recognition of the rational other, one has not thereby taken ownership of the other

as a non-derivative rational source for oneself. Nor has one thereby limited the presumed reach of one's own normative authority. Recognition does, however, set the question, "What, if anything, shall we do, be or believe together as fellow rational beings?" This happens when we confront each other with concrete demands for respect and recognition of the normative authority that lies within. I claim here and now a right to what I take to be mine. I demand recognition and respect of my claim from you. Correlatively, you claim rights to what you take to be yours. Our claims may conflict. We are confronted with a question. How, if at all, shall we be reconciled? How, if at all, shall we live together? The struggle to arrive at mutually acceptable answers to such questions, a struggle in which we sometimes succeed and sometimes fail, is what I mean by the dialectic of ratification and resistance.

Now suppose that one recognizes the rational other as a fellow status conferring creature who originates reasons for herself, it may seem to follow directly that any self-generated entitlements to hold another to a norm by which she is not bound, which she may even abhor, can be rooted in nothing but normative hubris and an overreach of normative authority. To be sure, in the two cases recently discussed involving not yet self-governing children and a state claiming an inherent right of self-defense, a charge of normative hubris and overreach of normative authority seems to miss the point. But those could be said to be special cases. Can any case be made that in general self-generated entitlements remain standing as "legitimate" entitlements even in the face of resistance from a self-governing rational other?

Here we need a further distinction between two different categories of norms and normative statuses. In particular, we must distinguish what I call *traveling* norms and normative statuses from merely *local* norms and normative statuses. Roughly, *N* is endorsed as a traveling norm by *x* if and only if for any agent or (normative) community of agents *y*, *x*'s application of *N* to *y* is licensed by *N* to be unconstrained by *y*'s reflective attitude(s), pro or con, toward *N*. On the other hand, *N* is endorsed as a merely local norm by *x* if and only if for any agent or normative community of agents *y*, *x*'s application of *N* to *y* is not licensed by *N* to be constrained by *y*'s reflective attitude(s), pro or con, toward *N*.

Contrast norms of etiquette with ethical norms. Norms of etiquette are paradigmatically local. Among one normative community, burping after a meal may be a polite expression of satisfaction. In a different normative community, burping after a meal may be regarded as rude and obnoxious. If the members of the burping community endorse burping as a merely local norm, then they will not self-generate entitlements to hold the non-burping community to their own standards of politeness, at least when the non-burpers remain within their own community. To be sure, members of the burping community may themselves travel to non-burping locales and vice versa. When they do travel, they may be held and may even permit themselves to be held to local norms different from their own. When a norm is merely local, there is no guarantee that when *you* travel, it travels with you.

Norms of etiquette stand in apparently sharp contrast to ethical norms. Distinctively ethical norms are often thought to enjoy a certain felt universality.

There is, I think, something to this idea, but less than many have thought. In part II, where we take up the many fine structures of normativity, I shall argue that this felt universality is a result of the fact that distinctively ethical norms are endorsed as traveling norms. To endorse a norm as a traveling norm is to endorse it, as it were, on behalf of the entire rational order and thereby to entitle or license oneself to hold every rational being answerable to that norm, in some way or other, independently of the rational other's own reflective attitude toward that norm. To the extent that one endorses a norm as a traveling norm, then even if one recognizes that other would reject that norm upon culminated competent reflection, one may, nonetheless, coherently and, at least by one's own lights, legitimately, self-generate an entitlement to hold others to the relevant norm.

Consider, for example, an abolitionist community that endorses the ending of slavery as a traveling norm. Even if a slave-holding community endorses a norm that permits slave-holding as either a traveling or merely local norm, the abolitionist community may self-generate an entitlement to subject the slave-holders to their abolitionist norms. They will license themselves to condemn, to seek to persuade and perhaps even to coerce the slave-holding community into freeing their slaves. And they need not regard the slave-holding community's abhorrence of their abolitionist norms as legitimately blocking their self-generated entitlement to do so. At the same time, the slave-holding community may well refuse to recognize the normative authority by which the abolitionists entitle themselves to condemn, persuade or coerce as a legitimate or governing authority for them. That is, that may refuse to *ratify* the abolitionist's self-generated entitlements with subject-

granted entitlements. Indeed, the slave-holders may self-generate entitlements to resist and reject all condemnation, argument and coercion from the abolitionist community. When two normative communities endorse two incompatible norms, with at least one of the norms being endorsed as a traveling norm, there arises the possibility of intractable moral conflict between them. Moral conflict arises, that is, when we take what is merely our own normative authority as a normative authority for another, often through the endorsement of a norm as a traveling norm. Such norms will very often meet with normative resistance as we try to make them travel.

I do not mean to suggest that moral conflict is inevitable or that all moral disputes are rationally irresolvable. Indeed, moral conflict is often a mere way station on the path toward more encompassing normative community. As a consequence of our evolved nature as norm-mongering creatures, human beings hunger for normative community with others -- though not necessarily with *all* others. Often when we do self-generate entitlements to hold others to our traveling norms, we offer those norms up to the other as candidates for their reflective endorsement as well. We ask others to ratify our self-generated entitlement by granting us subject-granted entitlements. When agents do ratify one another's self-generated entitlements with subject-granted entitlements they thereby achieve *mutual ratification* of a system of traveling norms. They thereby make the system of traveling norms mutually and reciprocally binding on one another. They no longer enjoy merely self-generated entitlements. They have granted one another *mutual and reciprocal entitlements* to hold one another to the norms by which they are now mutually and reciprocally bound. They have acknowledged each other as full and

equal partners in normative community. To acknowledge one another in this way is for each to say to the other that the normative authority of one is also a normative authority for the other.

In close this chapter by recapping some of the ways in which we have so far seen that agents may be subject to norms. The most intimate relation that an agent may have to a norm is that she is *bound* by that norm through her own powers of self-configuration and self-governance. We have argued throughout that only an agent herself has the power to place herself in this intimate connection to a norm. Binding one self to a norm is, on our view, an act of normative self-configuration, in the execution of which one *undertakes commitments and issues entitlements*. By *issuing entitlements* either to one's own future self or to others, one transfers a little bit on one's own inner normative authority to the other and thereby invites the other to be one's partners in one's self-configuration and self-management.

We have also claimed that although others cannot bind an agent to a norm, they can nonetheless *entitle themselves to hold* an agent even to norms by which the agent is not herself bound. Sometimes such self-generated entitlements are, and are intended to be, *sensitive to facts about the relevant agent's own normative lights*, even though they are not made with an explicit grant of authority from that agent. When agents are *merely tacitly bound* by a norm, they have not yet explicitly configured themselves in accordance with that norm. But others may *self-generate entitlements* to hold an agent to norms by which they are tacitly bound. Though such self-generated entitlements do not yet enjoy the full rational backing of the

agent with respect to whom they are generated, nonetheless, they are not *mere impositions from without* upon the agent. For they at least make a bow toward the agents own inner normative lights.

The least intimate way in which an agent may be “subject” to a norm is when that norm is *imposed from without*, through another’s self-generated entitlement to hold her to that norm, independently of the agent’s own attitude toward that norm. Because such self-generated entitlements enjoy none of the agent’s own authority, they will often be met with resistance from the rational other. The rational other is, after all, a self-governing, self-configuring creature, not merely another pliant configuration of normatively mute nature. But we have been making the point that even if there is resistance from the rational others, *such entitlements may still stand, at least from the entitling agent’s own perspective, as entitlements that license her to hold even the resisting other to the relevant norm.* Indeed, unless one countenances the possibility of such self-generated entitlements standing as entitlements even in the face of such resistance, one will, we shall subsequently argue, be at a loss to explain many aspects of the growth and decay of normative community over time.

Self-generated entitlements to hold another to a norm that she has not yet endorsed need not amount to mere hubris and an over-extension of normative authority. For one thing, humans often proffer up their self-generated entitlements to the other for ratification. And when the proffer is taken up and ratified by the other, there can emerge a new basis of normative community and rational solidarity. But *must* such a proffer be withdrawn, if it is rejected rather than

ratified? It will come as no surprise that in our guise Martian Philosophical Anthropologist we offer no answers of our own to this sort of question. Our job is merely to understand what is going on in the complex dialectic of ratification and resistance among our entitlement generating and proposing human subjects. We may take note that when a self-generated entitlement is left standing even in the face of resistance from the rational other, there occurs what we call rational enmity and a discord of reasons between the relevant agents. In a discord of reasons between two agents, neither owns the other as a original rational source. And therefore what counts as a reason for the one fails to be ratified as a legitimate reason for the other. We suspect that the dialectic of ratification and resistance may as often culminate in a discord of reasons as it does in rational solidarity.

To be sure, we also take note that at least some humans have sometimes conceived of morality in particular and the normative domain more generally as what Nietzsche once called a “hallowed place of peace,” a place where “...after all mistrust, discord, and contradiction one could agree ... [and] our thinkers took a rest even from themselves, took a deep breath, and felt revived.” In subsequent chapters, we shall argue that this view of the normative domain amounts to a something like a transcendental illusion and that this illusion is the nearly inevitable outgrowth of what I call the human normative predicament. The human normative predicament rests first on the fact that humans are value-mongering, norm-mongering creatures. But because some of the values and norms that humans monger are brought short by resisting rational others, they often take their values on parade in search of a further “trumping” validation. Finding nothing but the

potentially ever-resisting rational other, we are brought short and are presented with certain stark options. We may either surrender our valuings as illusory, sinking into a kind of nihilism. Or, recoiling from such nihilism, we may retreat into relativism. And in acknowledging that our valuings are often back by nothing but our own self-ratified, but other-resisted normative authority, relativism threatens to make each of us a normative authority unto herself, thereby stripping us of the power to command, criticize or sanction other value-mongering creatures when they disagree. Neither nihilism nor relativism is an entirely attractive option. Indeed, they are options from which many humans have the urge to recoil. For that reason, we suspect, humans tend to project onto the morally mute universe that which satisfies their in-built longing that there be a decisive normative authority. The names that humans have given to this projected decisive authority have been many – god, reason, tradition, sentiment, the good, and so on. But in our guise as mere students of niggardly nature, we suspect that all such names are empty names, with no reference to any real existent. Precisely that is the human normative predicament. We shall have much more to say about how human norm mongering in light of that very predicament in many subsequent chapters.

ⁱ No doubt those who believe that there are minded independent, irreducible normative “facts” of the matter will feel great unease and dissatisfaction with respect to the arguments on offer in this book -- especially since I do not pretend to have knock down argument *against* such views as theirs. My aim is not so much to refute the lesser theory, as to put forth a better theory and to test it by its

consequences, in order that we might achieve greater imaginative acquaintance with the real possibility that norms subsist in and through the natural order through the mere subsistence through that order of an entirely natural organism – viz., the human being.